

1 **SENATE FLOOR VERSION**

2 April 7, 2022

3 ENGROSSED HOUSE
4 BILL NO. 3195

By: Williams of the House

5 and

6 Jett of the Senate

7
8 An Act relating to professions and occupations;
9 amending 59 O.S. 2021, Section 199.6, which relates
10 to the Oklahoma Cosmetology and Barbering Act; adding
11 exemption; and providing an effective date.

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 59 O.S. 2021, Section 199.6, is
14 amended to read as follows:

15 Section 199.6 A. The State Board of Cosmetology and Barbering
16 is hereby authorized to promulgate rules for governing the
17 examination and licensure of cosmetologists, manicurists, nail
18 technicians, estheticians, cosmeticians, hair braiding technicians,
19 master cosmetology instructors, manicurist instructors, esthetics
20 instructors, barbers, and master barber instructors. The Board is
21 hereby authorized to promulgate rules to govern the sanitary
22 operation of cosmetology and barbering establishments and to
23 administer fines not to exceed Fifty Dollars (\$50.00) for those
24 licensed and not to exceed Five Hundred Dollars (\$500.00) for those

1 not licensed. Each day a violation continues shall be construed as
2 a separate offense.

3 B. The State Board of Cosmetology and Barbering shall have the
4 power and duty to implement rules of the Board, to issue and renew
5 licenses, to inspect cosmetology and barbering establishments and
6 schools, and to inspect the sanitary operating practices of
7 cosmetology and barbering licensees, including sanitary conditions
8 of cosmetology and barbering establishments and schools.

9 C. It shall be unlawful and constitute a misdemeanor,
10 punishable upon conviction by a fine of not less than Fifty Dollars
11 (\$50.00), nor more than One Hundred Fifty Dollars (\$150.00), or by
12 imprisonment in the county jail for not more than thirty (30) days,
13 or both such fine and imprisonment, for any person, firm, or
14 corporation in this state to:

15 1. Operate or attempt to operate a cosmetology school/college,
16 cosmetology or barber establishment, cosmetology or barber school or
17 college that offers cosmetology, barbering or both without having
18 obtained a license therefor from the State Board of Cosmetology and
19 Barbering;

20 2. Give or attempt to give instruction in cosmetology or
21 barbering, without having obtained an instructor's license from the
22 Board;

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1 3. Practice or offer to practice barbering, cosmetology or
2 manicuring without having obtained a license therefor from the
3 Board;

4 4. Operate a cosmetic studio without having obtained a license
5 therefor from the Board;

6 5. Demonstrate a cosmetic preparation without having obtained a
7 demonstrator's license from the Board;

8 6. Permit any person in one's employ, supervision, or control
9 to practice cosmetology or barbering unless that person has obtained
10 an appropriate license from the Board;

11 7. Willfully violate any rule promulgated by the Board for the
12 sanitary management and operation of a cosmetology or barber
13 establishment, cosmetology school or barber college; or

14 8. Violate any of the provisions of the Oklahoma Cosmetology
15 and Barbering Act.

16 D. The State Board of Cosmetology and Barbering shall have the
17 authority to levy administrative fines not to exceed Five Hundred
18 Dollars (\$500.00) for persons practicing cosmetology or barbering
19 without a license, and for owners of licensed establishments who
20 allow unlicensed individuals to practice cosmetology or barbering
21 without a license in their establishment. Each day a violation
22 continues shall be a separate offense. The administrative fine
23 shall not exceed a total of Five Hundred Dollars (\$500.00).
24

1 E. The provisions of the Oklahoma Cosmetology and Barbering Act
2 shall not apply to the following persons while such persons are
3 engaged in the proper discharge of their professional duties:

4 1. Funeral directors;

5 2. Persons in the Armed Services;

6 3. Persons authorized to practice the healing arts or nursing;

7 ~~or~~

8 4. Regularly employed sales people working in retail
9 establishments engaged in the business of selling cosmetics in
10 sealed packages; or

11 5. Persons employed to render cosmetology or hairstyling
12 services in the course of and incidental to the business or
13 employers engaged in the theatrical, radio, television, or motion
14 picture production industries, modeling, or photography.

15 SECTION 2. This act shall become effective November 1, 2022.

16 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
17 April 7, 2022 - DO PASS
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